

**MARGO L. FRASIER, J.D., C.P.O.**  
**EXECUTIVE SUMMARY (NON-CONFIDENTIAL)**  
**ASSESSMENT OF CUSTODY OPERATIONS**  
**SANTA BARBARA COUNTY JAIL SYSTEM**  
**SITE VISIT APRIL 3, 2017-APRIL 7, 2017**

## **INTRODUCTION:**

Under the terms of a Structured Negotiations Agreement between counsel representing the County of Santa Barbara and counsel representing inmates of the Santa Barbara County Jail, the parties agreed to retain me as joint expert to conduct reviews and prepare reports, to identify any shortcomings, and to propose recommendations to remedy any shortcomings in custody operations, including segregation and isolation.

The Santa Barbara County Jail system has long been plagued by overcrowding and older facilities. Santa Barbara County has made a substantial investment and is nearing the completion of a new jail facility which will be located in the northern part of the county and will provide 376 additional beds and much needed flexibility in the housing of inmates.

Until the completion of the Northern Branch Jail, the options for dealing with overcrowding and limiting the use of the isolation cells in the Main Jail are very few. However, there are some things which can be done to maximize the use of the current space and provide inmates in the isolation cells with more time out of their cells. There are 46 recommendations made in this report. Some of them cannot be implemented until the Northern Branch Jail is completed and occupied. However, the vast majority of them can be implemented now to improve the living conditions and safety of the Santa Barbara County Jail system.

## **QUALIFICATIONS:**

I hold a Bachelor of Science in Criminology and Corrections, with honors, from Sam Houston State University. I also hold a Juris Doctor, with high honors, from Florida State University. I have over 40 years of experience in the criminal justice field. I am self-employed as a criminal justice consultant and provide litigation support. I currently serve as a subject matter expert in law enforcement and corrections for the Special Litigation Section of the United States Department of Justice. In addition, I serve as the Lead Monitor overseeing implementation of the provisions of the Consent Judgment for the jail system in Orleans Parish, Louisiana.

I served as the elected sheriff of Travis County, Texas from 1997 through 2004; the first woman to hold the office where I started as deputy more than two decades earlier. As sheriff, I oversaw 1,350 deputies and other employees with a budget of more than \$90 million. I earned praise for my leadership in improving the jail system and the implementation of community policing. Since leaving office, I have worked as an assistant professor in the College of Criminal Justice at Sam Houston State University in Huntsville, Texas, a Senior Associate for MGT of America, Inc., and as the Police Monitor for the City of Austin. Over the years, as a consultant and an attorney, I have provided expert testimony in matters involving criminal justice including civil rights, employment law, law enforcement practices, and corrections practices.

I am on the board of the National Association of Civilian Oversight of Law Enforcement (NACOLE) where I serve as Vice-President. I served as treasurer, vice-president, and president of the Major County Sheriffs' Association. I also served on the boards of the National Sheriff's Association, National Center for Women and Policing, Texas Institute for Public Problem Solving, and the Children's Advocacy Center of Central Texas. In addition, I was recognized twice by the Combined Law Enforcement Association of Texas as Administrator of the Year. I also received a Lifetime Achievement Award from the National Center on Women in Policing.

## **OBSERVATIONS REGARDING JAIL FACILITIES:**

### **CAPACITY OF JAIL FACILITIES:**

Normally, when the term, rated capacity, is used, it is meant to refer to the number of inmates allowed to be housed in an area based on a standard such as a court order, fire code, or state jail regulations. When the term, rated capacity, is used in this report, it is referring to the number of inmates allowed to be housed in an area based on the California Minimum Standards for Local Detention Facilities. When the term, bed capacity, is used in this report, it is meant to refer to the number of permanent beds available for inmates in a housing area; it does not include temporary beds such as mattresses on the floor or mattresses in hard plastic shells, commonly referred to as "boats."

The Santa Barbara County Sheriff's Office lists the bed capacity of the Main Jail (including the IRC) as a total of 815 (680 males and 135 females) beds. The rated capacity of the Main Jail is 659 (551 males and 108 females) beds. The capacity utilized by the Santa Barbara County Sheriff's Office is primarily based on the number of beds in a housing area. The rated capacity is set by the California Board of State and Community Corrections (BSCC) based on the applicable Minimum Standards for Local Detention Facilities as outlined in Titles 15 and 24, California Code of Regulations. Complicating the issue is that the BSCC uses five (1963, 1982, 1988, 1998, and 2005) different sets of the Title 24 standards, depending on the year the part of the facility was constructed or modified, to rate and inspect the Main Jail.

Santa Barbara County has been under a court order since 1988 to reduce its population. The lawsuit remains pending and the Santa Barbara County jail system is subject to ongoing court oversight. The population housed in the Main Jail consistently exceeds the rated capacity and often exceeds the bed capacity set by the Santa Barbara County Sheriff's Office. On June 19, 2017, the Main Jail housed 782 (659 males and 123 females) inmates. Even though the number of inmates incarcerated was less than the number of affixed beds in the facility, fifty inmates were assigned to housing units where the number of inmates exceed the affixed bed count. One of the reasons that inmates are assigned to housing areas without an affixed bed and had to sleep on the floor (often they were given "boats" to hold their mattresses) even though there were empty affixed beds is that parts of the facility were not being utilized or were being underutilized. For instance, the female dormitory in the Medium Security Facility was not

currently being utilized at the time of the site visit or on June 19, 2017. Due to its location, that dormitory is rated to house up to 40 inmates; male or female. In addition, included within the 815-bed count, is the double bunking of the Northwest 1-20 isolation cells even though those cells are seldom used to house two inmates; thus, up to 20 affixed beds are often unoccupied in Northwest 1-20. While this totals 65 empty beds between these two housing areas, that does not necessarily mean that all 50 of the inmates who were without an affixed bed could be accommodated as there are classification considerations. For instance, most of the inmates in the Northwest 1-20 isolation cells have mental health and/or behavioral issues which require them to be housed alone.

As noted above, except for the single cells used for special housing (administrative segregation, discipline segregation, mental health, protective custody), almost every housing unit in the Main Jail regularly exceeds the rated capacity. On June 19, 2017, in fourteen of the housing units, the number of inmates in the units exceeded the bed capacity (number of affixed beds) in those units. As noted in the 2014-2016 Biennial Inspection of the Santa Barbara County jail facilities (Jail Inspection), the multi-occupancy cells and dormitories have insufficient square footage and toilets, washbasins, and showers for housing additional inmates above the rated capacity. This was found to be the case in both the Main Jail and the Medium Security Facility.

When the Northern Branch Jail is completed, the rated capacity of the combined jail system (Northern Branch Jail, Main Jail, and Medium Security Facility) will be 1163 inmates (959 males and 204 females based on current designation by gender). As of June 19, 2017, the population of the current combined jail system was 985 inmates (862 males and 123 females). Given the current number of female inmates, it is anticipated that one or more of the units currently used to house female inmates in the Main Jail will be repurposed to house male inmates once the Northern Branch Jail opens.

As a jail system cannot be occupied at 100% of the rated capacity and maintain proper separation and classification, preferred correctional practice is to allow for a minimum of 10% of the rated capacity not to be utilized to account for a classification factor. Applying a 10% classification factor would mean that the combined jail system (Main Jail, Medium Security Facility, and Northern Branch Jail) would be "full" when it reaches 1047 inmates. Thus, even with the opening of the Northern Branch Jail, if the preferred 10% classification factor is utilized, the Santa Barbara County Jail system will be very close to lacking sufficient capacity to properly classify inmates at the current population. This will be especially true if, as recommended below, once the Northern Branch Jail is open, modifications are made to the Main Jail which reduce the rated capacity of some of the housing areas and/or some of the isolation cells in the Main Jail are no longer utilized.

#### RECOMMENDATIONS REGARDING CAPACITY OF JAIL FACILITIES:

1. While it is not possible to house the current inmate population without exceeding the rated capacity, a system should be put in place to consider the percentage of rated capacity when making the decision as to which housing unit additional inmates will be placed. For instance, South Tank is rated for 20 inmates and on June 19, 2017, held 30 inmates; therefore, it was at 150% of rated capacity. East 6 is rated for 16 inmates and on June 19, 2017, held 22 inmates; therefore, it was at 137% of rated capacity. The Main Basement Dorm-3 is rated for 32 inmates and on June 19, 2017, held 58 inmates; therefore, it was at 181% of capacity. Under this analysis, the most crowded housing area was South Dorm which is rated for 17 inmates and on June 19, 2017, held 39 inmates; therefore, it was at 229% of rated capacity. Crowding in the South Dorm is particularly problematic as it holds the most medically infirm; including inmates who are required to use wheelchairs to get around inside the housing unit. Having inmates sleeping on the floor with their beddings and belongings taking up limited floor space further complicates issues with mobility.
2. It is recommended that medium security inmates, male or female, be moved to the Medium Security Facility, to what is commonly referred to as the Female MSF dormitory to facilitate reducing the number of inmates sleeping on the floor in the Main Jail. Specifically, it is recommended that relocation of the inmates currently housed in South Tank be explored as these are medium security inmates who have been identified as having mental health issues. Relocation to the Medium Security Facility would alleviate the overcrowded conditions in South Tank and provide much needed programmatic space for mental health counseling.
3. Once the Northern Branch Jail is completed, it is recommended that steps be taken to limit the number of inmates assigned to the housing units in the Main Jail and the Medium Security Facility to no more than the rated capacity. Further consideration should be given to lowering the number of inmates assigned below the rated capacity in housing units where the rated capacity is based on 1963 standards. In some of the housing areas, even the rated capacity results in an overcrowded situation due to the dated standards applied to most of the Main Jail to determine the rated capacity, i.e., 1963 standards to South Tank.
4. As will also be discussed in a later recommendation, once the Northern Branch Jail is open, it is recommended that the use of the isolation cells (South 1-16, South 20, South 21, West 18-29, East 11-22, Central 7, and Central 8) be curtailed or eliminated unless they can be modified to address the issues with lighting and ventilation, and accommodation is made to allow for daily out of cell time. This recommendation exempts the isolation cells in the Northwest module and East 25-38. However, it is also recommended that the capacity of isolation cells in Northwest 1-24 be changed from double cells to single cells and accommodation be made to allow for daily out of cell time for both Northwest 1-24 and East 25-38 isolation cells. If the isolation cells, except for those in East 25-38 and Northwest 1-24 (as single occupancy), were not utilized, this

would reduce the bed capacity of the Main Jail by 65 inmates and the rated capacity by 45 inmates. While elimination of use of these cells, unless they can be modified in a manner to address the deficiencies and to allow for daily cell time, will reduce the capacity of the Main Jail, as discussed below, these cells, without modification and an increase in out of cell time, fall well below recognized correctional practice in that the inmates do not have access to a dayroom and are confined to their cells except for three hours a week allowed for recreation out of their cells. Recommendations elsewhere in the report provide opportunities for increasing the out of cell time for these inmates.

5. When the Northern Branch Jail is operational, the capacity for female inmates at the Northern Branch Jail will be 80 inmates. One unit for female inmates consists of 16 single cells. The two other units are multi-occupancy units with a capacity of 32 inmates each. One of the multi-occupancy units has eight four-person cells and one of the multi-occupancy units has four eight-person cells. Due to the number of females housed currently in the Santa Barbara County Jail system, 123 female inmates as of June 17, 2017, additional living units at the Northern Branch Jail will have to be utilized to house female inmates or female inmates will have to still be housed at the Main Jail or the Medium Security Facility. There are pros and cons to each approach. If all of the female inmates are housed at the Northern Branch Jail, it would make gender specific supervision required by the Prison Rape Elimination Act (PREA) easier to accomplish. However, there would likely be increased transportation time for court. If female inmates continue to be housed in the Main Jail once the Northern Branch Jail is occupied, it is recommended that female inmates be moved to South Tank and South Dorm. This will provide for separation by sight and sound from male inmates. If female inmates are still housed in isolation at the Main Jail once the Northern Branch Jail is complete, they could be housed in South 1-16 with South 17 being converted for use as a dayroom to allow for out of cell time for the female inmates housed in South 1-16. The South recreation yard could be limited to use by the female inmates; thus, increasing the amount of time out for recreation and eliminating the current problems of maintaining separation by sight and sound of male and female inmates when the main recreation yard is utilized by female inmates.

#### CONDITION OF JAIL FACILITIES:

It was noted during the tour of the jail facilities that many portions of the jail facilities were in a state of poor repair and/or sanitation. For instance, in South Tank, which has an affixed bed capacity of 24 inmates, it was noted that two of the three washbasins and one of the three toilets were not in working order, and the sole shower was missing tiles and had a significant amount of visible mold. This resulted in one washbasin, two toilets and one shower for the entire unit. Exasperating the issue, South Tank is rated to only hold 20 inmates, but, on June 19, 2017, held 30 inmates. In South Dorm, the dormitory used to house inmates with medical conditions due to its proximity to a medical station, mold was found in the lavatory in the showers and on the walls

of the washbasin area, one of the washbasins was not in working order, and the air vents were covered with caked dirt. South Dorm was extremely crowded which made it difficult to get around; especially for the inmates who require wheelchairs. Adding to the crowding, there were five (5) inmates sleeping on mattresses in “boats” and one inmate on a mattress on the floor during the site visit. South Dorm has a rated capacity of 17 inmates. On June 19, 2017, South Dorm held 39 inmates.

Many of the housing units were not clean and had a foul smell. Some of them were filthy and the stench was almost overwhelming. The ones in the greatest need of cleaning were the isolation cells housing the inmates with mental health issues. When asked about the level of cleanliness, staff responded that inmates were given cleaning supplies and the opportunity to clean their housing areas. Several inmates complained about the lack of proper cleaning supplies. Several of the inmates with mental health issues in isolation appeared to not appreciate the necessity of cleaning their cells.

The lighting and ventilation in the isolation cells in the West, East, and South housing modules appears to need addressing. The cells are difficult to see into due to the lack of lighting; either due to a design issue or inmates tampering with and covering the lights. As noted above, many of these cells were found to be unsanitary during the site visit with the stench being almost overwhelming for certain cells. While the unsanitary condition of individual cells is the main reason for the foul smell in the isolation unit, the lack of fresh air flow appears to contribute.

Three units, D-1, D-2, and D-3, are housed in the basement in what used to be classroom and storage. While not ideal due to the lack of natural light, these housing areas are suitable for long term use as long as the population is limited to the rated capacity. While that is not possible until the Northern Branch Jail opens due to population pressures, the lack of space and hygiene facilities warrants the reduction of the population to no more than the bed capacity immediately.

Two units, Northwest A-D Pods and IRC, have attached recreation yards. The housing unit that contains the East 25-38 administrative segregation cells has two very small (accommodate one or two inmates at a time) recreation yards adjacent to the housing unit. There are also two larger recreation yards. One recreation yard is in the South housing module and one recreation yard is located centrally between the East and the West housing modules. The one located centrally is large and appears to have been designed to accommodate inmates from multiple housing units at one time. As the central recreation yard is no longer being used in that manner, its current design and use is inefficient.

The design of the Main Jail, combined with overcrowding, results in a lack of adequate dayroom space. The notable exceptions are Northwest A-D Pods, East 25-38, and IRC. In the other housing units, there is a small dayroom or common space. In the multi-occupancy cells, it consists of an area in front of the cells which contains seating, tables, and the shower facilities. In the dormitory units, except for South Tank and Male Basement-D2, the “dayroom” is in the

common space with the affixed beds, tables, and benches. In the fourteen units which house more inmates than there are affixed beds, part of the dayroom space is taken up by the bedding and personal effects of the additional inmates. For the inmates in the isolation cells (South 1-16, South 20, South 21, West 18-29, East 11-22, Northwest 1-24, Central 7, and Central 8), there is no dayroom space adjacent to the housing units, and, currently, no access to a dayroom. The only space utilized for out of cell time for the inmates in these isolation cells is one of the recreation yards.

#### RECOMMENDATIONS REGARDING CONDITION OF FACILITIES:

6. In assessing the cost of repair and upkeep of the Main Jail and the Medium Security Facility to make budget planning decisions and to determine whether it is more cost efficient to replace rather than repair all or parts of the Main Jail and/or the Medium Security Facility, it is recommended that the cost of upkeep of the aging plumbing fixtures (toilets, washbasins, and showers) and necessary modifications to address the issue of out of cell time for the isolation cells be factored in the cost.
7. An assessment should be made of the lighting and the air flow in the isolation cells and any deficiencies addressed.
8. A schedule for regular cleaning of housing units, including, if required, the use of a pressure washer and stronger cleaning agents (closely supervised) to clean air vents and showers should be established. Particularly, a schedule for the regular thorough cleaning of the isolation cells should be established and followed. Inmate workers should be used to clean the cells of inmates who are incapable of cleaning their own cells due to medical or mental health issues.
9. The exchange of linens should be mandatory. One of the units that had a foul smell was South Tank; houses general population male inmates with a mental health history. When the linens were examined, the bulk of them were found to be gray in color and have a strong body odor smell. When asked, the staff indicated that linen exchange had occurred within a few days of the site visit. Based on my experience, it is apparent that many of the inmates are not taking advantage of the opportunity to send their linens to be laundered. Since it is a sanitation issue, the exchange of linens (and uniforms) should not be left up to the inmates to decide; all inmates should be required to exchange their linens on a weekly basis.

#### **OBSERVATIONS REGARDING CLASSIFICATION AND USE OF ISOLATION CELLS:**

##### CURRENT CLASSIFICATION SYSTEM:

While the classification unit of the Santa Barbara County Jail certainly attempts to make the best housing decisions possible, due the lack of options and the overcrowding, most of the housing decisions are based on space availability. As will be discussed below, currently, housing



decisions are not based on an outcome derived from the application of a classification decision-making tool.

Also noted during the review of records and interviews was that supervisors would sometimes move an inmate from one housing area to another without first clearing it through the Classification Unit. It is recommended that all housing decisions be made by the Classification Unit. It is also recommended that any unauthorized movements be documented, and appropriate corrective action be taken.

#### OVERUSE OF PROTECTIVE CUSTODY, OR THE TERM PROTECTIVE CUSTODY:

Designation of inmates as requiring protective custody, or labeling a housing unit as being reserved for protective custody inmates, limits the housing options for all inmates. If a jail system is overcrowded, like the Santa Barbara County Jail system, designation of inmates and housing areas as protective custody further stresses the system as inmates designated protective custody should not be housed with general population inmates.

As of June 19, 2017, 276 (261 males and 15 females) inmates in the Santa Barbara County Jail system were classified as protective custody, but were not housed in isolation or single cells. That means that 31% of the male jail population and 14% of the female jail population were classified as requiring protective custody, but housed in what would otherwise be general population units (non-isolation cells).

It is highly unusual to have nearly a third of the male inmates of a jail system classified as protective custody. Although there is not a specific recognized correctional practice as to the percentage of inmates in a jail system that should be classified as protective custody, in my experience in jails across the nation, the percentage usually averages around five percent of the total jail population when the designation of protective custody is applied correctly. It is noted that the jail staff for Santa Barbara County sampled eight California jails and found that their protective custody classification percentages ranged between 12.6% and 41%.

Normally, with the designation of an inmate as requiring protective custody comes a requirement that the inmate be separated from almost all, if not all, of the rest of the jail population to ensure the safety of the inmate. Typically, protective custody inmates are kept in single cells; occasionally they may be able to be double celled or housed in a small dormitory (12 or less inmates). Protective custody inmates usually recreate either alone or with a small group of similarly situated inmates, i.e., other inmates charged with crimes against children or other inmates who are former law enforcement.

In the Santa Barbara County Jail system, there are housing units which are designated as protective custody that house as many as 59 inmates in a dormitory style unit. As noted above, in most other jail systems, inmates designated as protective custody are not allowed to comeingle with other inmates in the housing area unless they are similarly situated. In the Santa Barbara

County jail system, the inmates designated as protective custody can commingle with other inmates in the same housing area without restriction. In fact, all but one of the housing units designated as protective custody are dormitory units.

After discussion with the Classification Unit and review of files, it is apparent that the use of protective custody in the Santa Barbara County Jail system is, in many cases, a misnomer. While there are some inmates in the Santa Barbara County Jail system who warrant designation as protective custody due to the nature of their alleged crime, their stature, or their cooperation with law enforcement, many of the inmates designated as protective custody in the Santa Barbara County Jail system do not warrant the protective custody designation, but, instead, fall within one of two categories.

A small number of the inmates are passive and/or small in stature such that they cannot safely be housed with more aggressive inmates. A proper screening of these inmates under the guidelines of the Prison Rape Elimination Act (PREA) might result in them being classified as potential victims. A proper classification system would house inmates who screen under PREA as potential victims apart from known and potential predators without the necessity of classifying the smaller/passive inmate as requiring protective custody. Currently, the PREA screening is conducted in a hallway in the IRC which makes it difficult to have a conversation about an inmate's prior history of victimization or propensity to be subjected to victimization due to the lack of privacy.

The larger number of inmates designated as protective custody in the Santa Barbara County Jail system are inmates who claim to have dropped out of gangs. California and other prison systems have experienced a phenomenon where inmates claim to have "dropped out" of many of the more widely known prison gangs. If inmates have genuinely withdrawn from all gang membership, they are sometimes targeted for retaliation; commonly referred to as "blood in, blood out." However, some inmates who claimed to have dropped out of gangs make the claim to get out of administrative segregation; many prison/jail systems place active known gang members in administrative segregation and limit their ability to commingle with other inmates, including their fellow gang members. While the practice of denouncing gang membership was once considered to be unacceptable, some of the more widely known gangs have permitted it as it allows the gang members to have greater freedom in the institution to carry out the work of the gang.

While it used to be recognized correctional practice to classify dropouts from gangs as protective custody, due to the increased number of inmates who are dropping out, the current preferred correctional practice is to note the particular inmates from whom an inmate should be kept separate as opposed to designating the inmate as protective custody. By utilizing a "keep separate" list, the housing options for all inmates is increased as it reduces the number of housing units which must be designated and reserved solely for housing inmates requiring protective custody.

Another benefit to using a keep separate list as opposed to the designation of an inmate as protective custody is that it tends to limit the number of inmates requesting isolation to avoid being labeled as a protective custody. There are inmates who, although they need to be kept separate from other particular inmates for their safety, will refuse an assignment to a housing unit designated as protective custody. The inmates refusing protective custody are usually inmates who either equate protective custody with being labeled an informant or want to avoid an automatic placement in protective custody should they be transferred to another facility. In the Santa Barbara County Jail system, if an inmate refuses a protective custody assignment, they are normally placed in an isolation cell.

There appears to be a misperception that classification of inmates as protective custody offers liability protection and not classifying inmates as protective custody opens the county to liability. However, simply giving an inmate, the label of protective custody does not provide a shield from liability. It is the separation of the inmate from his/her known enemies, or, in the case of a potential victim of sexual assault, from potential or known sexual predators that provides a potential defense if an assault should occur.

#### RECOMMENDATIONS REGARDING THE USE OF PROTECTIVE CUSTODY AND HOUSING OF GANG MEMBERS:

10. The PREA screening process currently takes place in the hallway of the intake processing area of IRC. Such a location is not conducive to having a discussion as to whether an inmate has a prior history of victimization or propensity to be subjected to victimization. It is recommended that the screening for PREA be moved to a location where privacy is afforded. At a minimum, staff should be trained to identify inmates whose answers, demeanor, or stature indicate that they may be potential victims and conduct their PREA screening in a location where privacy is afforded.
11. Inmates who claim to be dropouts from gangs should be further interviewed to determine the inmates or groups of inmates from whom they need to be separated for safety. Housing decisions should be based on the keep separate lists as opposed to automatically placing the dropouts in protective custody. The inmates who are dropouts may be placed in general population if they are kept separate from their known enemies or enemy groups.
12. Protective custody designation should be reserved for inmates who truly must be separated from most, if not all, other inmates for their safety. Given the large number of inmates currently designated as protective custody, the process of reducing the number of inmates designated as protective custody will be a substantial undertaking. Many of the dormitory units currently designated as protective custody could be reassigned as general population housing units if known gang members who might constitute a threat to the dropouts are not housed within these housing units.
13. As opposed to restricting the housing of inmates who are dropouts, consideration should be given to restricting the housing of current gang members who pose a threat. Former

gang members and inmates who have never had a gang affiliation can usually be housed together safely. It is the current gang members who pose a threat to the other inmates. Gang members who pose a threat could be classified as High-Risk Level V or maximum security and housed in a Northwest pod.

14. IRC-100 should be the primary housing area for male protective custody inmates as it has individual cells which contain two beds and has access to a dayroom and a small recreation area which will allow for out of cell time for protective custody inmates either alone or with similarly situated inmates. Initially, other IRC units will need to be designated as protective custody until the goal of reducing the number of inmates designated as protective custody to just those inmates who must be separated from most, if not all, other inmates for their safety is achieved.

#### USE OF SEGREGATION/ISOLATION, PARTICULARLY FOR MENTALLY ILL:

Although best addressed by the mental health expert, it is widely recognized that placement of inmates, particularly inmates with mental health issues, in isolation without significant out of cell time and programs tends to result in the inmates becoming more withdrawn and their mental health issues being exasperated. The inmates housed in isolation cells, except for East 25-38, do not have access to a dayroom. The access to dayroom for inmates housed in East 25-38 is limited to three hours per week. Other than visits, the only time the inmates housed in isolation cells are out of their cells is to shower or utilize the recreation area; two or three times a week.

The medical/mental health care provider for the Santa Barbara County Jail had recently changed at the time of the site visit. The new contract for services provides for additional staff and expanded services; particularly in mental health care. The staff of the Santa Barbara County Jail system and the provider seemed hopeful that the provision of additional mental health care will decrease the need for inmates with mental health issues to be housed in isolation.

Placement in isolation housing at the Santa Barbara County Jail results in severe restriction of movement and interaction with staff and other inmates. Isolation cells South 1-16, South 21, West 18-29, Central 7, Central 8, and East 11-22 are particularly restrictive due to the small size of the cells and the lack of a dayroom or access to a dayroom. The square footage which follows is approximate and would be even less if the space occupied by the affixed bed, toilet, water basin, and/or desk were considered. The cells in South 1-16 are approximately 60 square feet. South 21 is approximately 52 square feet. Central 7 and Central 8 are approximately 58 square feet. In addition, these three cells, South 21, Central 7, and Central 8, have a solid outer door which results in an extreme sense of isolation for the inmate housed within those cells. The cells in West 18-29 are approximately 58 square feet. The cells in East 11-22 are approximately 54 square feet. The cells in Northwest 1-24 are approximately 100 square feet and have two beds in each of them. While South 20 is larger in size, 136 square feet, it is designed to hold two inmates. It should be noted that South 20 is located down a hallway behind an additional door which results in an extreme sense of isolation for the inmate housed within that cell.

During the site visit, Central 7 and Central 8 were occupied by female inmates. The woman in Central 7 was originally placed in a multi-occupancy cell with a mental health referral being made. On that same day, she was moved to isolation cell West 28. Four (4) days later, she “gassed” a nurse; threw liquids believed to be bodily fluids. She was later moved to Central 7 on December 27, 2016, because she threw liquids again. As noted above, Central 7 is an isolation cell that has a solid outer door and a barred inner door. Due to its design, it results in an extreme sense of isolation for the inmate housed within that cell. On March 21, 2017, after almost three months in an extreme form of isolation, the inmate asked to be moved as she stated she was depressed. While the Classification Unit noted that there had been no issues since her return from a mental health facility two weeks earlier and that the medical staff had stated the inmate was taking her medications, the decision was made to have her remain in Central 7 until the monthly review. The woman in Central 8 was originally back and forth between the safety cell and medical holding due to suicidal ideation and having charged at deputies. She was then placed in a general population cell where she was involved in a fight within 30 minutes. She was then placed in isolation cell West 19. That same day, January 29, 2017, due to multiple incidents of her being naked, screaming, and throwing trash, she was moved to Central 8 where, at the time of the site visit, she had been for over two months. Use of Central 7 or Central 8 is counter indicated for an inmate who is depressed as it likely to enhance the depression due to the intense feeling of isolation that results from it being behind a double door; the inner door is bars and the outer door is solid. In addition, the barred door could be used as a tying off point for a ligature while the solid outer door makes it difficult to perform thorough security checks. While both women apparently participated in behavior (throwing of bodily fluids and trash) which made an open front cell inappropriate, they also both reported feelings of depression and/or suicidal ideation which made the use of a double door cell inappropriate. When the interests in safety to staff and the inmate collide, the risks to each should be weighed to determine the appropriate action to take. One option, as noted below, to reduce the intense feeling of isolation and to allow for better observation during security checks would be to replace the solid metal doors with panel doors that have security glazing.

The female isolation units house inmates for whom a variety of reasons are documented for their placement in isolation; mental health issues, behavioral issues, administrative segregation, punitive segregation, and protective custody. There are essentially three different isolation units for female inmates; Central 7, Central 8, and West 18-30. As noted above, the two women in Central 7 and Central 8 exhibited disruptive behavior which appear to be grounded in mental health issues. As to the female inmates in the West isolation unit, the reasons they are in isolation vary. Some of the inmates (West 19 and West 22 are examples) are fearful of being placed with other inmates. Some of the inmates appear to be legitimate candidates for protective custody (West 18, West 25, and West 26) in that one inmate is an 80-year-old with mental and medical issues, one inmate is charged with multiple counts of Willful Harm to Child, and one inmate is a very timid transgender inmate whose charges might result in other inmates assaulting

her. One inmate (West 21) was clearly delusional. Several other inmates (W-20 and W-27 are examples) appear to have difficulty getting along with other inmates in a dormitory setting.

The challenge with providing a better environment for the female inmates currently in isolation is the lack of alternative housing for females. Female housing consists of multi-occupancy cells except for the isolation cells and one four-person dormitory. As noted below, the most likely alternative is B/Central 1 or B/Central 2 as the cells are smaller (two-person) and there are six cells in each.

As with the female inmates, male inmates in isolation units have been placed there for a variety of reasons. While there is only one isolation unit with multiple cells for female inmates, there are four isolation units with multiple cells for male inmates (East 11-22, East 25-38, South 1-16, and Northwest 1-24). In addition, South 20 and South 21 currently house male inmates. South 17 and Northwest 25 are small dormitories rated for housing four inmates each. During the site visit, both were being used to house members of the MS-13 gang. Central 7 and Central 8, due to their location, can be utilized to house male or female inmates. Central 17 is a four-person, dormitory with a small dayroom. It is currently being used to house protective custody women. While its location is not ideal for observation and has no natural light, it certainly serves a purpose for housing female inmates who must be separated from the population at large, but can be housed with a limited number of other like female inmates.

An attempt was made to determine the main reason male inmates were housed in isolation. Several of the inmates' classification files listed multiple reasons for placement in isolation. There does not appear to be consistency with the placement of male inmates as to which of the isolation units a male inmate might be placed. The one exception is that throwing of any type of fluids out of a cell tends to result in placement in the Northwest 1-20 isolation cells as those cells have a glass front as opposed to bars. It was also noted that inmates were often moved between the various isolation units with the only documentation being "cell needed."

At the time of the site visit, there was a mixture of reasons that inmates were housed in East 25-38 even though I was informed that it was for the housing of inmates with mental health issues who were not stable enough to be in general population. However, the file review indicated that only six of the inmates housed in East 25-38 were there primarily for mental health issues. Two inmates (East 34 and East 38) classification files indicated that they were there due to PREA concerns. One file indicated security concerns (East 30) while two files indicated behavioral issues (East 27 and East 35). Two other inmates wanted to be housed in administrative segregation because they were afraid of being with other inmates (East 33 and East 37). East 26-38 is the unit where the BRACE program is conducted. However, the program schedule indicated that there were only three inmates currently participating in the BRACE program.

While it may be that inmates whose reason for being housed in isolation is not mental health related are willing to attend the BRACE program to remain in East 26-38, it does not appear to

be the highest and best use of that unit. Limiting the use of the cells in East 25-38 to inmates whose primary reason for being in isolation is mental health related is the recommended approach; at least until the Northern Branch Jail is occupied. Given the proximity of East 11-22 to East 26-38, if inmates with mental health issues were housed in those cells, it would facilitate them participating in the BRACE program. It may also be possible to allow the inmates in East 11-22 some use of the dayroom in East 26-38. They are already allowed use of the small recreation yards three times a week. Additionally, housing module officers and movement officers assigned to East 11-22 and East 26-38 should receive additional training on how to interact with inmates with mental health issues.

The Northwest isolation unit is adjacent to the Northwest A-D housing units. Given the proximity to the maximum-security housing area and the design of these isolation cells, these 24 cells seem best suited for housing inmates being held in isolation due to posing a serious security risk. Northwest 25 currently holds members of MS-13 gang who cannot be comingled with other inmates and pose a security risk to other inmates. The other cells in Northwest isolation are larger (approximately 100 square feet) which is beneficial as these inmates are likely to be housed in isolation for longer periods of time; if not their entire incarceration. The remainder of the cells could be used for inmates who require administrative segregation due to requiring a high level of protective custody which necessitates they not be in a unit with multi-occupancy cells. It may be necessary to house some inmates with serious mental health issues whose behavior is extremely disruptive in Northwest 1-20, but, ideally, all the inmates who are in isolation primarily for mental health issues would be housed in East 11-22 or East 26-38 due to access to programs and dayroom and recreation space.

Somewhat by elimination, South isolation cells would be used to house inmates who are in isolation because they are management problems. The South isolation cells are near the South recreation yard which will lessen the distance that these problematic inmates must be transported for recreation. As the behavior of these inmates improves, they could be moved to the next step which would be housing in a maximum-security cell.

#### RECOMMENDATIONS REGARDING USE OF ISOLATION:

15. Use of Central 7, Central 8, South 20, and South 21 should be restricted to situations where the security risk or need for protective custody being addressed cannot be dealt with in another manner. It is recognized that the female isolation cells in West 18-29 do not have solid fronts (they have cell bars) and that inmates are able to throw items out of the cell fronts. While it may be necessary to place a female inmate in Central 7 or Central 8 due to the health and/or assaultive risk to staff and other inmates if the inmate is throwing bodily fluids out the cell front, an effort should be made to address the underlying issue (often a mental health issue) as soon as possible. Once the issue is addressed, the inmate should be reassigned.

16. Due to the extreme feeling of isolation created by the double doors of Central 7, Central 8, South 20, and South 21, these cells should not be used to house inmates who are depressed or have expressed suicidal ideation. If, in an extreme situation, after consultation with mental health staff, a determination is made that security concerns warrant use of these cells for an inmate who is depressed or has expressed suicidal ideation, the inmate should be placed on a suicide precaution watch with observations occurring at least every fifteen (15) minutes. One option to reduce the feeling of extreme isolation and to provide better observation during security checks would be to replace the solid metal doors with panel doors that have security glazing. Even if this option is adopted, care should still be given to the placement of potentially suicidal inmates in these cells due to the tie off points the inner barred door provides.
17. Consideration should be given to modifying the front of at least one, if not two, of the isolation cells in West 18-29 to prevent items from being thrown out of the cell front. Some corrections facilities use a plexiglass shield on rollers to protect staff and inmates passing in front of a cell of an inmate who has the propensity to throw out items. Normally the inmates will be placed at the end of the row so that the number of times the cell will have to be passed by other inmates and staff is minimized.
18. Consideration should be given to housing most of the female inmates who are currently in isolation in B/Central 1 or B/Central 2 as these each consist of six two-person cells. This allows for the inmates to be housed in a controlled environment where they would be housed with one other inmate (or alone if necessary). This would provide significantly more out of cell time due to ready access to the dayroom. While not ideal, the dayroom could also be used for programmatic space and counseling.
19. As noted in Recommendation #5, due to the number of females housed currently, 123 as of June 17, 2017, additional living units at the Northern Branch Jail will have to be used to house female inmates or female inmates will have to still be housed at the Main Jail or Medium Security Facility. If females continue to be housed at the Main Jail, it is recommended that female inmates be moved to South Tank and South Dorm. Any female inmates still housed in isolation at the Main Jail once the Northern Branch Jail is complete, could be housed in South 1-16. It is recommended that South 17 be converted for use as a dayroom to allow for out of cell time for the female inmates in isolation. The South recreation yard could be limited to use by the female inmates.
20. Ideally, the isolation cells, South 1-16, South 20, South 21, West 18-29, Central 7, Central 8, and East 11-22, would not be used to house inmates due to the size of the cells and the lack of access to a dayroom. Given the current population, closure of all the isolation cells is not practical. While one option would be to move the male inmates into two of the IRC housing units, as most of the 32 inmates would require a single cell, the resulting loss of affixed beds would be double (64) as the IRC cells hold two inmates each. The consequence would be that more inmates would be assigned to a housing unit without an affixed bed. Another option would be to take one or two cells in South 10-16,



West 18-29, and East 11-22 (unless the inmates in East 11-22 are allowed access to a dayroom as recommended in Recommendation #23), and convert them to a dayroom space which would provide another out of cell time alternative for inmates housed in isolation. Otherwise, it is recommended that the use of these isolation cells be sharply curtailed once the Northern Branch Jail is occupied and population allows.

21. It is not clear why inmates are being moved from one isolation area to another. The current documentation cites "cell needed," but often does not state the reasoning behind the move. It was noted that in several of the cases where an inmate was moved because "cell needed" that the inmate was involved in a confrontation in the new assignment.
22. The Classification Unit should assign a designation to each male isolation units which corresponds with the main reason the inmates are being housed in an isolation cell.
23. It is recommended, to the extent possible, that all male inmates, with mental health issues that require them to be housed in an isolation cell, be housed in either East 11-22 or East 25-38. All the inmates would potentially be able to participate in the BRACE program. A schedule should be drawn to allow for use of the dayroom and/or additional use of the recreation space in East 25-38 to be utilized by the inmates housed in East 11-22. Additionally, housing module officers and movement officers assigned to East 11-22 and East 25-38 should receive additional training on how to interact with inmates with mental health issues.
24. It is recommended, to the extent possible, that all male inmates, who pose a high enough security risk or protective custody need to require them to be housed in an isolation cell, be housed in Northwest 1-24. These inmates are likely to require long term isolation due to the nature of their charges and these cells are larger than the other isolation cells. While having a larger cell does not substitute for access to a dayroom, it does provide some relief until the Northern Branch Jail is occupied.
25. It is recommended, to the extent possible, that all male inmates, whose behavior warrants them being housed in an isolation cell, be housed in the South isolation cells. This move would place them near the South recreation and make it easier to escort them to recreation. If Recommendation #19 is implemented once the Northern Branch Jail opens, these inmates would have to be housed elsewhere if they remain in the Main Jail..

#### TIME OUT OF CELL FOR INMATES HOUSED IN ISOLATION:

Currently, inmates housed in isolation cells have no more than three hours out of their cells in a week. For inmates in East 25-38, they are offered recreation three times per week for one hour and access to the dayroom three times per week for one hour; resulting in up to six hours a week of out of cell time. The inmates in East 11-22 are offered recreation three times per week for one hour. The other inmates in isolation are offered recreation twice a week for one and a half hours; these inmates are only allowed out of cell time two times per week other than to shower.

Accepted correctional practice is a minimum of one hour per day out of cell time; recommended correctional practice is at least four hours of out of cell time daily.

It is unclear how much actual out of cell time inmates in the isolation cells are receiving. During the tour, it was noted that record keeping was poor and that it was not clear whether the inmates were actually afforded and/or actually taking advantage of the opportunity to go to the recreation yards or the dayroom. Officers should be trained that refusal to take advantage of the opportunity for out of cell time is a red flag that the inmate may be depressed and withdrawing. Officers should also be trained that inmates should be encouraged to take advantage of the opportunity for out of cell time.

#### RECREATION ACCESS FOR INMATES HOUSED IN ISOLATION:

Three of the housing modules (East 25-38, Northwest, and Inmate Receiving Center) have exercise yards adjacent to the housing modules. The two housing units in the South housing module (South Tank and South Dorm) share the use of the South recreation area with the inmates housed in the south isolation cells, South 1-17. It appears from the schedule, that the females housed in the West housing module isolation cells, West 18-29, and the inmates housed in the Central 7 and Central 8, are provided an opportunity to recreate in large central recreation yard. Inmates housed in the East housing module isolation cells, East 11-22 and East 25-38 recreate in the two small recreation yards adjacent to the East 25-38 housing unit. The inmates in the Northwest housing module isolation cells, Northwest 1-25, recreate in the recreation areas adjacent to the Northwest housing module. The rest of the housing areas, West Module, East Module, and the Male Basement Dormitories share use of the large central recreation area. One option for increasing opportunities for all of the inmates utilizing the large central recreation area would be to subdivide it into three recreation areas. While inmates being recreated at the same time would be able to see each other and speak to each other, they could be physically separated by fencing. One of the three recreation areas could be further subdivided to create small individual recreation areas for use by inmates housed in isolation. This would result in multiple housing units and numerous isolation inmates being able to recreate at the same time.

Currently, the inmates in the isolation cells are alone for their out of cell time. While it is unlikely that all of the inmates could be recreated together, or in the case of the inmates in East 25-38 share the dayroom, it is recommended that the Classification Unit screen the inmates in isolation to determine which ones, if any, could share out of cell time. This would provide an opportunity for inmates in the isolation areas to have additional out of cell time in the recreation yards. In addition, inmates in isolation might take greater advantage of the opportunity to go to the recreation yards if they were able to go with other inmates as they could play board games or participate in sports activities which require more than one person.

Most of the recreation yards utilized for recreation for inmates in isolation are being underutilized. The one exception are the recreations yards in the Northwest housing module. According to the schedule for the South recreation yard, there are twelve (12) slots on the schedule which are currently designated as make-up. According to the schedule for the IRC, where inmates from West 18-29, Central 7 and Central 8 are recreated, there are seventeen (17)

slots which are currently designated as closed or make-up. According to the schedule for the East isolation dayroom and recreation, there are twenty-nine (29) slots in the recreation yard and eleven (11) slots in the dayroom which are currently designated as make-up. These slots could be used to afford inmates in isolation more opportunities for out of cell time.

If Recommendation #24 were followed to place all of the inmates with mental health issues in East 11-22 and East 25-38, utilization of these make-up slots to afford these particular inmates with additional out of cell time, would have a significant impact. It is unclear why the dayroom in East 25-38 is not being utilized past 1700 hours. Consideration should be given to allowing inmates in East 25-38 and East 11-22 access to the dayroom until 2100 hours. This would provide twenty-eight (28) more opportunities per week for out of cell time in the dayroom.

#### RECOMMENDATIONS REGARDING OUT OF CELL TIME FOR INMATES IN ISOLATION:

26. A system of better record keeping on when inmates in isolation cells are afforded the opportunity to go to recreation and whether they take advantage of the opportunity should be established. Officers should also be trained that inmates should be encouraged to take advantage of the opportunity to go to the recreation yard.
27. Officers should be trained that refusal to take advantage of the opportunity to go to the recreation yard or dayroom is a red flag that the inmate may be depressed and withdrawing. Inmates who refuse out of cell time on a regular basis, more than twice in a row, should be referred to the mental health staff.
28. Subdivide the large central recreation area into three recreation areas. While inmates being recreated at the same time would be able to see each other and speak to each other, they could be physically separated by fencing. One of the three recreation areas could be further subdivided to create small individual recreation areas for use by inmates housed in isolation. While the standard of three hours per week of offered recreation may well be met, it is recommended that more access to recreation be allowed for inmates in general, and inmates in isolation specifically, as the schedule and staffing allows.
29. It is recommended that the Classification Unit screen the inmates in isolation to determine which ones, if any, could recreate together. This would provide more opportunities for inmates in isolation to have out of cell time through recreation and increase the likelihood that they would take advantage of the opportunity as it would be more enjoyable than recreating alone.
30. The slots in the South, IRC, and East recreations yards currently designated as make-up and closed should be allocated to provide additional recreation time for inmates housed in isolation.
31. The slots in East 25-38 dayroom schedule currently designated as make-up should be allocated to provide additional dayroom time for inmates in isolation with mental health issues.

32. It is recommended that the dayroom in East 25-38 be utilized between the additional hours of 1500 and 2100 to provide inmates in East 25-38 and East 11-22 additional access to the dayroom.

#### LACK OF CLASSIFICATION DECISIONMAKING TOOL:

As noted above, while the staff in the Classification Unit attempts to make the best housing decisions possible, due the lack of options and the overcrowding, most of the housing decisions are based on space availability. When an inmate comes in, the Classification Unit retrieves the records of their previous incarcerations and reviews their criminal history. A great deal of emphasis is placed on the inmate's previous classification and whether the inmate was previously considered to be protective custody or was housed in isolation.

There should be significant involvement of mental health staff in classification and reclassification of inmates with mental health issues. Currently, it appears that mental health is asked whether the inmate has been "cleared." It is recommended that mental health staff work closely with the Classification Unit towards the goal of placing the inmate in the least restrictive environment as possible for the safety of the inmate and others.

The different factors looked at (criminal history, current behavior, current charges, past jail behavior) are appropriate factors. What is lacking is a classification decision-making tool. Currently, the Classification Unit uses what is commonly referred to as a subjective classification system. They are using their experience and judgment to make decisions as to how an inmate should be classified and where they should be housed. In reality, once the decision on custody level is made, inmates are placed in a housing unit based on space available. Also factored in is whether the inmate has been designated as a protective custody inmate and whether anyone currently assigned to the housing area is on a keep separate list from the inmate.

While not intending to disparage the work currently being done by the Classification Unit, very few urban jail systems still utilize a subjective classification system. Instead, what is most often used is an objective classification system; either point based or a decision-tree. The characteristics of an objective classification system are:

- Using test and classification instruments that have been validated for inmate populations;
- Using the same components and decision criteria approach with all inmates;
- Fostering similar decisions among classification staff on comparable cases;
- Assigning inmates to custody levels consistent with their background;
- Structuring classification decision-making authority while minimizing overrides; and
- Limiting discretionary decision-making to ensure uniformity in agency operations and minimizing the potential for unfavorable litigation.

While some facilities simply utilize an objective classification tool which has been validated at another facilities or facilities, the preferable practice is to have an objective classification tool

refined to meet the needs of the jail population and jail facilities of Santa Barbara County. The classification tool would then be validated through pilot testing (classifying the population on paper) and any necessary adjustments made.

The classification expert could also work with the Santa Barbara County Jail system to develop a Housing Unit Assignment Plan (HUAP). Ideally, an objective classification system including a HUAP would have been developed prior to the planning of the Northern Branch Jail to ensure that the design of the facility matches the classifications of the inmates. Based on orientation I received on the Northern Branch Jail, foresight was used and some of the housing areas at the Northern Branch Jail are flexible in use. It is recommended that the classification expert work with the Santa Barbara County Jail system to develop a HUAP which will maximize the use of the available jail space. Such a process will also be helpful in identifying what needs may still need to be addressed once the Northern Branch Jail is occupied and would be helpful in prioritizing any renovations to the Main Jail or the Medium Security Facility.

Part of any good classification system requires reviewing the inmate's classification to determine whether the classification and/or housing assignment should be changed. After looking at the classification records, it is questionable whether a thorough review is currently taking place. When the classification records of inmates housed in isolation were reviewed, it was found that, often, the language from the previous review was repeated and the classification and assignment stayed the same. It seemed as if the review was being recorded simply to satisfy the requirement of a review being completed as opposed to a thorough review taking place. Complicating any thorough review is that there is often no place to move an inmate if the results of the review indicate that he/she should be removed from isolation.

Under an objective classification system, the inmate is rescored to determine the proper classification and assignment. How often an inmate's classification is reviewed depends on the circumstances. An inmate in a detoxification cells should be reclassified as soon as they can care for themselves. An inmate in a violent cell should be reassessed and documented at least every 24 hours for the continuance of the status. It is recommended that inmates in administrative segregation/isolation, no matter the reason, be evaluated at least every 30 days. Inmates in general housing only need to be evaluated every 60-90 days as long as there are triggers for additional reassessments; i.e., disciplinary reports, dismissal of charges. Circumstances such as filing of new charges or a conviction should trigger a review immediately. The classification policy should set out the specific timelines.

Routine audits should be performed of the Classification Unit. In addition to performing an audit on the Classification Unit, audits should be performed of individual staff members of the Classification Unit to ensure individual performance is in line with the designated criteria. The auditing mechanism should record:

- The percentage of inmates that are classified within 12 hours of booking;

- The percentage of inmates that are housed according to their assigned custody levels;
- The percentage of inmates that are housed in protective custody;
- The percentage of overrides and the reasons for the override; and
- The percentage of reassessments that are performed within the timelines detailed by the classification policy and the outcomes.

Criteria as to acceptable performance should be set out in the classification policy. For instance, overrides should not exceed 10-15%. If they do exceed that percentage, it is usually an indication that staff members of the Classification Unit are inappropriately exercising their discretion. It may also indicate that the HUAP needs to be modified.

The classification policy will need to be updated once the objective classification system is implemented.

#### RECOMMENDATIONS REGARDING CLASSIFICATION DECISIONMAKING TOOL:

33. An objective classification system, including a Housing Unit Assignment Plan, should be implemented. While it is possible to use a tool that has been validated elsewhere, it is recommended that Santa Barbara County contract with an expert in classification to help guide the Santa Barbara County Jail system through the process.
34. Classification Unit staff should receive training on the use of the objective classification tool. The National Institute of Corrections offers training on objective classification and it would be advisable for as many staff as possible to attend.
35. There should be significant involvement of mental health staff in classification and reclassification of inmates with mental health issues. The goal should be to place inmate in the least restrictive environment as possible for the safety of the inmate and others.
36. Review of inmates' classifications should include a rescoring of the factors in the objective classification system. Review of an inmate's classification in a detoxication cells should occur as soon as they can care for themselves. An inmate in a violent cell should be reassessed and documented at least every 24 hours for the continuance of the status. It is recommended that inmates in administrative segregation, no matter the reason, be reassessed at least every 30 days. Inmates in general housing only need to be reassessed every 60-90 days as long as there are triggers for additional reassessments; i.e., disciplinary reports, dismissal of charges. Circumstances such as filing of news charges or a conviction should trigger review immediately. The classification policy should set out the specific timelines.
37. Routine audits should be performed on the Classification Unit and the individual staff members of the Classification Unit to ensure performance is in line with the designated criteria. The auditing mechanism should record the percentage of inmates that classified within 12 hours of booking, inmates that are housed according to their assigned custody levels, inmates that are housed in protective custody, overrides and the reasons for the override, and reassessments that are performed within the timelines detailed by the

classification policy and the outcomes. Criteria as to acceptable performance should be set out in the classification policy.

38. The classification policy will need to be updated once the objective classification system is implemented.

## **OBSERVATIONS REGARDING DISCIPLINE:**

### **PUNISHMENT:**

California Title 15, Section 1056, Use of the Sobering Cell, limits the use of the sobering cell to only inmates who are a threat to their own safety or the safety of others due to their state of intoxication. The 2014-2016 Biennial Inspection of the Santa Barbara County Jail facilities found the Santa Barbara County Jail system to be in noncompliance due to its use of the sobering cell for inmates who must be closely observed because of medical or mental health concerns regardless of their state of intoxication. Review of the classification records reveals that the practice continues and extends to the safety cells.

To understand the seriousness of the issue, it is important to realize what placement in safety cell means for an inmate. The inmate is stripped of all clothing and placed in a heavy smock commonly referred to as a suicide resistant smock; it is made of quilted blanket material that is extremely difficult to tear with bare hands. There also is no washbasin, toilet, seat, desk, or bed. Due to lack of a lavatory, the inmate is forced to urinate and defecate in a hole in the ground which must be “flushed” from outside of the cell. There is no place to wash their hands or get a drink of water. As an inmate in a safety cell is not allowed utensils, they are fed sack lunches which they must eat either standing up or sitting on the floor. Water is usually provided in a small disposable cup.

There are clearly circumstances when an inmate’s placement in a safety cell is appropriate because the inmate constitutes an imminent danger to himself or herself that cannot be dealt with by placing the inmate in a suicide resistant smock in a suicide resistant cell. However, in some of the cases reviewed, it appeared to be an unnecessary move that was more about punishing the inmate than it was about protecting the inmate.

There were several moves noted where the reasoning was that the inmate destroyed property or that the inmate was participating in disruptive behavior. In most of the cases, the inmate was already in an isolation cell. There was not a disciplinary hearing held before the inmate was placed in the safety cell, and, in numerous cases, no hearing was held as a result of the conduct afterwards. Not only must the inmate endure the humiliation of being stripped of all clothing and being put in a cell that is devoid of everything, movement of the inmate poses a high possibility of an increased risk of danger to both staff and inmates due to the likelihood of needing to use force to not only to move the inmate, but to strip the inmate of clothing.

Also noted was the use of what was referred to as a disciplinary meal. The “prison loaf,” as it is commonly called, is similar to a meat loaf in appearance, but is often purposely made to be bland in taste. The inmate is given the loaf instead of the regular meal. While the practice was common at one time in corrections institutions as punishment, the current recognized correctional practice is that use of a prison loaf should be limited to situations where inmate’s conduct is related to meal service, i.e., using the tray to break, scratch observation windows or as a threat to officers. Even then, many correctional facilities serve the inmate sandwiches and other items that do not require utensils or trays as opposed to a prison loaf.

The most common disciplines noted were loss of commissary and loss of visitation. Depending on whether an inmate has funds to order commissary and/or receives visits influences whether the “loss” is felt. In many situations, with loss of commissary, inmates, especially in a dormitory setting, will simply make a deal to have another inmate order commissary for them and will either pay them back or have family put money on the other inmate’s account. Visitation restriction is as much of a punishment for family as it is inmate.

The overcrowded conditions of Santa Barbara County Jail contribute to ineffective discipline as there are insufficient housing units to set up a housing unit as disciplinary tier where privileges such as access to television, telephone, and out of cell time can be regulated. Instead, inmates who act out often are moved from housing unit to housing unit and then eventually to isolation. As noted above, it is recommended that the South isolation cells be used to house inmates whose behavior is the basis for their placement in isolation. By improving their behavior, the terms of which are often outlined in a behavior management contract, the inmates could work themselves up to a housing unit such as one of the Northwest housing units where they could continue to earn privileges based on their adherence to the facility rules. The ultimate goal would be for the inmate to be housed in general population with full privileges.

#### NO INPUT FROM MENTAL HEALTH ON DISCIPLINE

While there is a legitimate use of inmate discipline, including the use of isolation, special considerations should take place if inmate is on mental health caseload. This does not mean that inmates with mental health issues should not have consequences for inappropriate behavior; they most often should as part of treatment. However, there are some circumstances where the inmate’s mental health status should factor into whether and what kind of discipline is appropriate. Therefore, input from mental health staff before discipline is imposed on an inmate on the mental health caseload is essential. For example, a mental health inmate may be making progress and interaction with their family is key. It would be counterproductive to impose loss of visitation on this inmate. Often the use of isolation as punishment exasperates the behavior of an inmate with mental health issues.

#### RECOMMENDATIONS REGARDING DISCIPLINE:



39. The safety cells should only be used for their intended purpose; protection of an inmate from imminent self-harm when no other alternative is sufficient.
40. Specifically, safety cells should not be used in any manner to punish inmates.
41. Seldom does an inmate who has destroyed property need to be placed in a safety cell. When an inmate has created a safety hazard due to destroying something in the cell, the item should be removed. It might also be appropriate to remove all other items that could be destroyed from the cell until the inmate's behavior improves. If the inmate must be relocated while repairs are made, placement in another isolation cell or a holding cell is preferable to the safety cell. If an inmate must be placed in a safety cell as there is no current alternative, unless there is a specific reason for removing their clothing and placing them in a suicide resistant smock, they should be allowed to retain their regular jail house clothing.
42. Disciplinary meals should be limited to inmates whose conduct is related to meal service. Sandwiches and other items that do not require utensils or trays are preferable.
43. Inmates whose behavior warrants placement in isolation should be placed in South isolation. A behavior management plan should be developed by where the inmate may work himself out of isolation into the disciplinary tier (recommended that it be one of the Northwest housing units) and gains additional privileges through conformance to the rules and appropriate behavior.

## **OBSERVATIONS REGARDING STAFFING:**

### **CURRENT STAFFING**

It was not part of the assessment to evaluate the staffing plan of the entire Santa Barbara County Jail system. However, an effort was made to evaluate the adequacy of the number of officers assigned to the housing modules. My opinion is that officers are in charge of too many inmates, and often, too many housing areas. The result of the shortage of officers in the housing modules is that all they have time for is to do rounds and record observations. They do not have time for interaction with inmates. The result is that they often do not pick up on issues in general population and protective custody housing areas which results in conflict and having to rehouse inmates.

California does not have a standard for how many inmates an officer can safely supervise. Some states, like Texas, use a ratio of 45:1. Others use a ratio of 60:1. This does not include officers assigned to control rooms and escort functions. Using the more lenient ratio of 60:1, the only housing module which meets that ratio is the Male Basement. It is recommended that one housing module officer be added to staff each of the other housing modules. While the Northwest currently meets the 60:1 ratio, the location of the isolation units and the housing of maximum security inmates justifies an additional housing module officer.

This is particularly concerning as to the inmates in isolation and results in those inmates having almost no human interaction as they are not allowed access to other inmates other than yelling from one cell to another. The inmate that was housed in South 20 is good example. It was explained that he was a civil inmate (civil commitment for being sexual predator). The inmate does not speak English. The check sheet indicated refusal of recreation, showers, and cleaning supplies. When viewed, the inmate had eight or more sandwiches lined up on desk. Either no one had noticed his lack of interest in getting out of the cell and hoarding behavior or had noticed and done nothing about it. Although the inmate's classification file did not indicate he had mental health issues, his behavior did.

The lack of custodial staff, particularly in the housing modules, also appears to affect the ability to provide proper medical care and mental health care. As noted above, a new medical health and mental health provider had just started providing services at time of site visit. When I interviewed the mental health caseworkers, some who had remained when the provider was changed, they indicated the goal was to visit with inmates in segregation/isolation daily. At that time, visits were usually occurring three times a week. Due to facility design and lack of security staff to remove inmate from housing to a suitable site, conversations most often occur through a crack in the door or a food port.

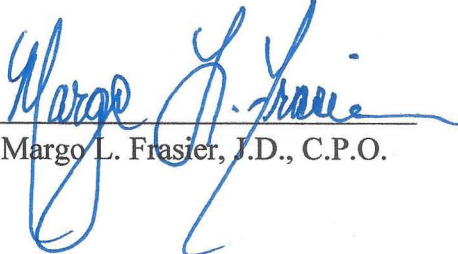
Lack of custodial staff to escort inmates to mental health visits, medical visits, recreation, and programs also impacts the provision of those services. As the quantity and quality of medical and mental health service improves, even more escorts will take place. Lack of sufficient custodial staff can undermine the substantial investment that Santa Barbara County has made in improving medical and mental health care. An additional three movement officers are recommended to accommodate the escorting of medical/mental health staff into the housing areas and escorting inmates to the medical section. It is recommended that the three additional movement officers be assigned to the medical section directly as opposed to being assigned as housing movement officers.

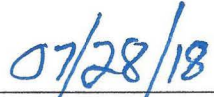
#### RECOMMENDATION REGARDING STAFFING:

44. It is recommended that an inmate to officer ratio of 60:1 be adopted. This would require an additional housing module officer in each module with the exception of the Male Basement.
45. It is recommended that three additional movement officers be assigned to the medical section so that they escort the medical/mental health staff to the housing units and escort inmates from the housing units to the medical section.
46. A staffing study of the Santa Barbara County Jail system should be performed. It is clear that there are not enough staff performing the custodial functions in the housing areas and for escort, but an analysis should be performed to determine whether and where from staff could be redeployed to fill those needs. It may well be that no staff can be redeployed.

I would like to express my appreciation to all who provided information and assistance during this project.

Signed:

  
Margo L. Frasier, J.D., C.P.O.

  
Date